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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
 ) Before the Examiner  
Bradley T. ESTES et al. ) Not yet al.  
 )  
Serial No. 10/650,494 ) Group Art Unit  
 ) 3738  
Filed August 28, 2003 )  
 )  
LATERALLY EXPANDING )  
INTERVERTEBRAL FUSION DEVICE )

STATUS REQUEST

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In the last communication from the U.S. Patent and Trademark Office, which was the Updated Filing Receipt (\*OC000000012295741\*), the publication date for the above application was projected for July 15, 2004.

Please advise us as to the status of the above-identified patent application and provide an updated projected publication date.

I hereby certify that this correspondence is being deposited with the United States Postal Service as **first class mail** in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

February 25 2005

(Date of Deposit)

James B. Myers, Jr.

Name of Registered Representative

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Signature

February 25 2005

Date of Signature

Respectfully submitted,

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